

### **REMARKS/DISCUSSION OF ISSUES**

By this Amendment, Applicant amends claims 2-5, 7-18 and 22. Accordingly, claims 2-18, 20-22 and 25 remain pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

#### **35 U.S.C. § 112**

The Office Action rejects claims 2-18 and 22 as previously written under 35 U.S.C. § 112. As best understood, these rejections were based on the Examiner's belief that the specification did not enable "*an examination area consisting of sub-areas with magnetic field strengths.*"

As amended, claim 1 does not recite "an examination area consisting of sub-areas with magnetic field strengths."

Accordingly, Applicant respectfully submits that the rejections of claims 2-18 and 22 as previously written under 35 U.S.C. § 112 is moot, and that the currently amended claims 2-18 and 22 all fully comply with 35 U.S.C. § 112.

#### **35 U.S.C. §§ 102 & 103**

The Office Action rejects: claim 22 under 35 U.S.C. § 102 over Applicant's Admitted Prior Art ("AAPA"), and claims 2-9, 11-3, 16-18, 22 and 25 under 35 U.S.C. § 103 over Tournier et al. U.S. Patent Application Publication 2002/0168321 ("Tournier") in view of Schneider et al. U.S. Patent 6.726,650 ("Schneider"); claims 10, 14, 15 and 20 under 35 U.S.C. § 103 over Tournier in view of Schneider and further in view of Ivkov U.S. Patent Application Publication 2006/0142749 ("Ivkov"); and claim 21 under 35 U.S.C. § 103 over Tournier in view of Schneider and further in view of Rand U.S. Patent Application Publication 2005/0066961 ("Rand").

Applicant respectfully submits that all of the pending claims are patentable over the cited art for at least the following reasons.

#### **Claim 22**

Among other things, the apparatus of claim 22 includes means for generating

a first magnetic field with a spatial distribution such that the first magnetic field has a lower magnetic field strength in a first sub-area of the examination area and the first magnetic field has a higher magnetic field strength in a second sub-area with a higher magnetic field strength of the examination area, and wherein a gradient of the first magnetic field reverses direction and experiences a zero crossing within the first sub-area, and means for changing the spatial location of both the first and second sub-areas in the area of examination, including changing a location where the gradient of the first magnetic field reverses direction and experiences a zero crossing within the first sub-area, so that a magnetization of the magnetic particles changes locally.

Applicant respectfully submits that the AAPA does not disclose any such means.

Applicant also respectfully submits that Tournier does not disclose any such means.

Therefore, for at least these reasons, Applicant respectfully submits that claim 22 is patentable over the cited prior art. Accordingly, Applicant respectfully requests that the rejection of claim 22 be withdrawn, and that claim 22 be allowed.

Claims 2-18, 20-21 and 25

Among other things, the methods of claims 2-18, 20-21 and 25 all include generating a first magnetic field having a field strength with a spatial distribution such that the first magnetic field has a lower magnetic field strength in a first sub-area of the examination area and the first magnetic field has a higher magnetic field strength in a second sub-area of the examination area, and wherein a gradient of the first magnetic field reverses direction and experiences a zero crossing within the first sub-area, and changing the spatial location of both the first and second sub-areas in the examination area, including changing a location where the gradient of the first magnetic field reverses direction and experiences a zero crossing within the first sub-area, so that a magnetization of the magnetic particles changes locally.

Applicant respectfully submits that the cited prior art, taken individually or collectively, does not disclose or suggest any method having this combination of

features.

Therefore, for at least these reasons, Applicant respectfully submits that claims 2-18, 20-21 and 25 are patentable over the cited art. Accordingly, Applicant respectfully requests that the rejections of claims 2-18, 20-21 and 25 be withdrawn, and that claims 2-18, 20-21 and 25 be allowed.

### **PROVISIONAL DOUBLE-PATENTING REJECTIONS**

Applicant acknowledges the provisional double patenting rejections of claims 2-18, 20-22 and 25 and is prepared to submit a Terminal Disclaimer if appropriate if and when these provisional rejections mature and the application is otherwise in condition for allowance.

### **CONCLUSION**

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 2-18, 20-22 and 25 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

VOLENTINE & WHITT

/Kenneth D. Springer/

By:

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Kenneth D. Springer  
Registration No. 39,843

VOLENTINE & WHITT  
One Freedom Square  
11951 Freedom Drive, Suite 1260  
Reston, Virginia 20190  
Telephone No.: (571) 283.0724  
Facsimile No.: (571) 283.0740